

CITY COUNCIL AGENDA

JUNE 29, 2004

SYNOPSIS

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
TERRY O. GREGORY
DAVID D. CORTESE
JUDY CHIRCO
PAT DANDO, VICE MAYOR

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Economic and Neighborhood Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Recreation and Cultural Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Aviation Services*** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas and Staff Reports for City Council items may be viewed on the Internet at www.sanjoseca.gov/clerk/agenda.htm

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
9:31 a.m. - Closed Session, Room 600, City Hall
Absent Council Members: LeZotte. (Excused)

1:33 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: None.
- **Invocation (District 6)**
The Willow Glen Children's Theatre performed a scene from "Don Giovanni".
- **Pledge of Allegiance**
Mayor Gonzales led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day, and the Amended Agenda were approved, with Item 3.5(d) deferred to August 10, 2004.

1 CEREMONIAL ITEMS

- 1.1** Presentation of commendations to PG&E and for their exceptional work and generosity benefiting Christmas in the Park. (Chavez)
Mayor Gonzales and Council Member Chavez recognized and commended representatives of PG&E for their commitment, and special efforts in offering the challenge grant of the "Gift Giving Tree" to raise money in order to support people in need within the community of San José.
- 1.2** Recognition of Local Organizing Committee for Olympic Trials in San José. (Cortese)
Mayor Gonzales and Council Members Cortese and LeZotte recognized the dedicated volunteers for their efforts contributing to the first Olympic Trials Organizing Committee in San José.

1 CEREMONIAL ITEMS

- 1.3 Presentation of a proclamation declaring July 2004 as National Parks and Recreation Month. (Parks, Recreation and Neighborhood Services)
Mayor Gonzales presented a proclamation to Director of Parks, Recreation and Neighborhood Services Sara Hensley declaring the month of July 2004 as “National Parks and Recreation Month”.
- 1.4 Presentation of a proclamation declaring the week of July 18-24 as National Aquatic Week. (Parks, Recreation and Neighborhood Services)
Mayor Gonzales presented a proclamation to Director of Parks, Recreation and Neighborhood Services Sara Hensley proclaiming the week of July 18 through July 24, 2004 as “National Aquatic Week”.
- 1.5 Presentation of a commendation to Vanessa Flores, a James Lick High School graduate named a Gates Millennium Scholar, who will receive almost \$25,000 for tuition annually to attend Santa Clara University. (Campos)
(Rules Committee referral 6/23/04)
Mayor Gonzales and Council Member Campos presented a commendation to Vanessa Flores, a James Lick High School graduate, in recognition of her outstanding academic skills and community service.

2 CONSENT CALENDAR

- 2.1 **Approval of Minutes.**
There were none.
- 2.2 **Final adoption of ordinances.**

Recommendation: Final adoption of ordinances:

- (a) ORD. NO. 27182 – Amends Chapter 11.51 of Title 11 of the San José Municipal Code to designate the proper white curb marking for on-street valet parking zones; and adds a new Part 4 to Chapter 11.54 of Title 11 to authorize the Director of Transportation to establish on-street valet parking zones and regulations for issuing permits for the use of the on-street valet parking zones.
Ordinance No. 27182 adopted.
- (b) ORD. NO. 27183 – Amends Section 1.08.025 of Chapter 1.08 of Title 1 of the San José Municipal Code to update the City’s list of parking violations, including new violations related to on-street valet parking zones.
Ordinance No. 27183 adopted.

2 CONSENT CALENDAR

2.2 Final adoption of ordinances. (Cont'd)

- (c) ORD. NO. 27185 – Amends Title 20 of the San José Municipal Code to modify the process for development permit acceptance and recordation and adds Sections related to abandonment of permit applications or inactive applications and makes other clarifying changes.

Ordinance No. 27185 adopted.

- (d) ORD. NO. 27186 – Rezones certain real property situated on the west side of North First Street, on either side of Component Drive (2347 North First Street) to IP(PD) Planned Development Zoning District. PDC 04-002

Ordinance No. 27186 adopted.

- (e) ORD. NO. 27187 – Approves a Development Agreement between the City of San José and BEA Systems, Inc., relative to the development of property in North San José.

Ordinance No. 27187 adopted.

- (f) ORD. NO. 27188 - Rezones certain real property situated on the easterly side of Senter Road, approximately 600 feet southerly of Needles Drive (1896 Senter Road) to A(PD) Planned Development Zoning District. PDC 03-057

Ordinance No. 27188 adopted.

- (g) ORD. NO. 27189 – Rezones certain real property situated on the southeast corner of 8th Street and Hedding Street (880 N. 8th Street) to A(PD) Planned Development Zoning District. PDC 04-007

Ordinance No. 27189 adopted.

- (h) ORD. NO. 27190 – Rezones certain real property situated on the south side of Tully Road, approximately 500 feet easterly of Monterey Highway (195 Tully Road) to CN Commercial Neighborhood Zoning District. C 04-048

Ordinance No. 27190 adopted.

- (i) ORD. NO. 27191 – Rezones certain real property situated on the southeast corner of N. Seventh and E. Taylor Streets (302 E. Taylor Street) to A(PD) Planned Development Zoning District. PDC 03-056

Ordinance No. 27191 adopted.

- (j) ORD. NO. 27192 - Rezones certain real property situated on the northwesterly corner of Elm Street and McKendrie Street to A(PD) Planned Development Zoning District. PDC 04-050

Ordinance No. 27192 adopted.

2 CONSENT CALENDAR

2.2 Final adoption of ordinances. (Cont'd)

- (k) ORD. NO. 27193 - Rezones certain real property situated on the southeast corner of South 12th and Keyes Streets to A(PD) Planned Development Zoning District. PDC 04-051

Ordinance No. 27193 adopted.

2.3 Approval to award a contract for the Alum Rock Park Quail Hollow Bridge Replacement Project.

Recommendation: Report on bids and award of contract for the Alum Rock Park Quail Hollow Bridge Replacement Project to the low bidder, AIS Construction, in the amount of \$292,000, and approval of a contingency in the amount of \$15,000. CEQA: Negative Declaration, PP02-09-235. Council District 4. (Public Works/Parks, Recreation and Neighborhood Services)

(Deferred from 6/15/04 – Item 2.11)

Approved.

2.4 Approval to amend an agreement for environmental and engineering consultant services at the Airport.

Recommendation: Approval of a third amendment to the agreement with The Source Group, Inc. for environmental and engineering consultant services at the Norman Y. Mineta San José International Airport, increasing the maximum amount of the agreement by \$500,000, from \$279,000 to \$779,000, and extending the term of the agreement from June 30, 2004 to June 30, 2005. CEQA: Resolution Nos. 67380 and 71451, PP04-06-188. (Airport/Public Works)

Approved.

2.5 Approval of Council Member Nora Campos' travel.

Recommendation: Approval of Council Member Nora Campos' travel to Burlington, Vermont, July 14-18, 2004, to attend the National League of Cities Conference, Municipalities in Transition Panel on Equity and Opportunity Committee: Sustainable Communities 2004. Funding: Council District 5 Office Budget. (Campos)

Approved.

2.6 Approval to receive additional grant funds for the Urban Area Security Initiative.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute the Urban Area Security Initiative Grant for an additional \$23,545, bringing the total grant award to \$9,923,545. CEQA: Not a Project. (City Manager's Office)

Resolution No. 72200 adopted.

2 CONSENT CALENDAR

2.7 Approval of fiscal actions for the Blackford Streetlights Project.

Recommendation:

- (a) Adoption of 2004-2005 appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for the Blackford Streetlights Project (PSM 371) with a net impact to the fund of \$31,500.

Ordinance No. 27197 adopted.

Resolution No. 72201 adopted.

- (b) Adoption of a resolution making certain determinations regarding the related expenditures of Redevelopment Agency funds on certain public improvements in connection with the Blackford Streetlights Project (PSM 371), as more specifically described in the memorandum from the Redevelopment Agency, dated April 16, 2004.

CEQA: Not a Project. Council District 1. SNI: Blackford. (City Manager's Office)

Resolution No. 72202 adopted.

Staff directed to work with Council Member LeZotte's Office in an effort to reduce costs.

2.8 Approval of a three-month leave of absence for Arts Commissioner Sharon Gustafson.

Recommendation: Approval of a three-month leave of absence for Arts Commissioner Sharon Gustafson. CEQA: Not a Project. (Conventions, Arts and Entertainment)

Approved.

2 CONSENT CALENDAR

2.9 Approval of fiscal actions for Redevelopment Agency Capital Projects.

Recommendation: Adoption of 2004-2005 appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-Side Redevelopment Fund) in the amount of \$1,750,170, for the:

- (a) Washington and Edenvale Great Oaks Street Lights Project (PSM 368);
- (b) Williams Street and McLaughlin Avenue Improvement Project (PSM 369);
- (c) McLaughlin Avenue Improvement Project (PSM 370);
- (d) Traffic Signal at 7th and Martha Streets Project (PSM 372);
- (e) West San Carlos Street Improvement Project (PSM 373);
- (f) Greater Gardner Neighborhood Streetscape Improvement Project (PSM 374);
- (g) Martha Street Pedestrian/Bicycle Bridge Development Project (PSM 357);
- (h) Mayfair Streetlights Project (PSM 359); and
- (i) Selma Olinder Park Project (PSM 361).

CEQA: Not a Project. Council Districts 2, 3, 5, 6, and 7. SNI: Washington, Edenvale/Great Oaks, Five Wounds/Brookwood, Tully/Senter, Spartan/Keyes, Delmas Park, Greater Gardner, Mayfair. (City Manager's Office)

Ordinance No. 27198 adopted.

Resolution No. 72203 adopted.

2.10 Approval of a grant agreement for the Tech Museum of Innovation.

Recommendation:

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute a grant agreement with the Tech Museum of Innovation in a total amount not to exceed \$300,000, for the purpose of replacing the heating, ventilation, and air conditioning (HVAC) system for McCabe Hall.

Resolution No. 72204 adopted.

- (b) Adoption of the following 2004-2005 appropriation ordinance and funding sources resolution amendments to:
 - (1) Establish an appropriation to the Conventions, Arts and Entertainment Department for the Tech Museum of Innovation HVAC system project in the Redevelopment Capital Projects Fund (City-side Redevelopment Fund) in the amount of \$300,000.
 - (2) Increase the estimate for Earned Revenue in the Redevelopment Capital Projects Fund (City-side Redevelopment Fund) by \$300,000.
 - (3) Establish a General Fund Transfer to the Redevelopment Capital Projects Fund for the Tech Museum of Innovation HVAC system project in the amount of \$150,000.
 - (4) Decrease the Contingency Reserve in the General Fund by \$150,000.

CEQA: Not a Project. (Conventions, Arts and Entertainment/City Manager's Office)

Ordinance No. 27199 adopted.

Resolution No. 72205 adopted.

2 CONSENT CALENDAR

2.11 Approval of an agreement related to the Foreign Trade Zone #18.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute a five-year agreement with San José Distribution Services to operate Foreign Trade Zone #18 in San José. CEQA: Not a Project. Council District 7. (Economic Development)

Resolution No. 72206 adopted.

2.12 Approval of an agreement for water conservation programs.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute the agreement with the Santa Clara Valley Water District for cost sharing associated with implementation of water conservation programs in 2004-2005, under which the City will receive an amount not to exceed \$280,000 from the District and the District will be paid an amount not to exceed \$540,535 by the City, for a net cost to the City of \$260,535. CEQA: Not a Project. (Environmental Services)

Resolution No. 72207 adopted.

2.13 Approval to amend an agreement for market research for the Environmental Services Department.

Recommendation: Approval of the fifth amendment to the consultant agreement with GLS Research for market research for the Environmental Services Department to revise the scope of services and to extend the term of service by six months, from June 30, 2004 to December 31, 2004, at no additional cost to the City. CEQA: Not a Project. (Environmental Services)

Approved.

Staff directed to return with an Information Memorandum outlining a public education campaign.

2.14 Approval to amend an agreement for the Countywide Household Hazardous Waste Collection Program.

Recommendation: Approval of the first amendment to the agency agreement with the County of Santa Clara for the countywide Household Hazardous Waste (HHW) Collection Program to update the drop-off service schedule and the charges to small businesses, at no additional cost to the City. CEQA: Exempt, PP03-05-172. (Environmental Services)

Approved.

2 CONSENT CALENDAR

2.15 Approval to amend an agreement for recycling and composting.

Recommendation: Approval of the fifth amendment to the consultant agreement with the University of California Cooperative Extension, Santa Clara for research on the use of municipally generated yard waste and food waste products, as well as composting of on-site business waste, to extend the term for 12 months, from August 1, 2004 to August 1, 2005, and to increase the compensation by \$30,000, for a total not to exceed \$181,000. CEQA: Not a Project. (Environmental Services)

Approved.

2.16 Approval of actions related to Federal grants for the Office of Emergency Services.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute a Memorandum of Understanding (MOU) to accept program funds from Santa Clara County's Operational Area share of Federal grants, in an amount not to exceed \$194,495.09:

- (a) FY 2003 Supplemental Appropriations Grant for the Emergency Management Performance Grant.
- (b) FY 2003 CERT Grant.
- (c) FY 2004 Citizen Corps Grant.
- (d) FY 2004 Emergency Management Performance Grant.

CEQA: Not a Project. (Emergency Services)

Resolution No. 72208 adopted.

2.17 Approval to amend an agreement for workers' compensation cost containment services.

Recommendation: Approval of an amendment to the agreement with Fair Isacc Corporation (Formerly Diversified HealthCare Services) to provide workers' compensation cost containment services, to reflect a change in name of the company, to modify the scope of services, to increase compensation to an amount not to exceed \$950,000 for FY 2003-02004, and to increase the total amount of compensation in option years 2, 3, and 4 to an amount not to exceed \$850,000. CEQA: Not a Project. (Employee Services)

Approved.

2 CONSENT CALENDAR

2.18 Approval of open purchase orders for the purchase of supplies, materials, equipment and services.

Recommendation:

- (a) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2003-2004 #25, and authorization for the Director of General Services to execute the purchase orders. CEQA: See memo for CEQA designation(s). (General Services)
- (b) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2003-2004 #26, and authorization for the Director of General Services to execute the purchase orders. CEQA: See memo for CEQA designation(s). (General Services)
- (c) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2004-2005 #1, and authorization for the Director of General Services to execute the purchase orders. CEQA: See memo for CEQA designation(s). (General Services)
- (d) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2004-2005 #2, and authorization for the Director of General Services to execute the purchase orders. CEQA: See memo for CEQA designation(s). (General Services)

Approved.

2.19 Approval to purchase a Sun Unix Server System for time card/payroll processing.

Recommendation: Approval to award the purchase of Sun Unix Server Cluster System (hardware, software & services) to the low bidder, Helio Solutions Inc., in the amount of \$200,012, including tax, delivery, installation, and initial year maintenance; and authorization for the Director of General Services to execute the purchase order. CEQA: Not a Project. (General Services)

Approved.

2.20 Approval to amend an agreement for the City's Parking Guidance System.

Recommendation: Adoption of a resolution authorizing the Director of General Services to negotiate and execute an amendment to the agreement with Scheidt and Bachmann USA Inc. (S&B) to increase the scope of services to include the purchase of Parking Guidance System for the City's downtown parking garages in an amount not to exceed \$225,000, including delivery, installation, training, tax, and first year of maintenance and warranty. CEQA: Not a Project. (General Services/Transportation)

Resolution No. 72209 adopted.

2 CONSENT CALENDAR

2.21 Approval of a retroactive agreement for providing services to the homeless.

Recommendation: Adoption of a resolution authorizing the Director of Housing to negotiate and execute a retroactive agreement for the period of September 1, 2003 to December 31, 2004, with the Emergency Housing Consortium in the amount of \$200,000 for providing services to the homeless. CEQA: Not a Project. (Housing)

Resolution No. 72210 adopted.

2.22 Approval of an agreement to provide rental assistance and case management services to individuals and families living with HIV/AIDS.

Recommendation: Adoption of a resolution authorizing the Director of Housing to negotiate and execute a retroactive agreement for the period of July 1, 2003 to June 30, 2004, with Health Connections in the amount of \$763,390, for providing rental assistance and case management services to individuals and families living with HIV/AIDS, under the 2003 HOPWA Entitlement Program. CEQA: Not a Project. (Housing)

Resolution No. 72211 adopted.

2.23 Approval of an agreement to operate and schedule youth sports and recreational activities at PAL.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with the San José Police Activities League (PAL) to operate and schedule youth sport and other recreational activities at the 680 South 34th Street facilities for a term of five years, and with an annual compensation of \$5,284 paid to the City. CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

Resolution No. 72212 adopted.

2 CONSENT CALENDAR

2.24 Approval of Parks, Recreation and Neighborhood Services' agreements for FY 2004-05.

Recommendation: Adoption of a resolution authorizing the City Manager to:

- (a) Negotiate and execute agreements for Parks, Recreation and Neighborhood Services Department programs consistent with the amounts budgeted for these programs in the adopted budget for 2004-05;
- (b) Accept grant funds from the County of Santa Clara (County) for provision of mental health services and senior nutrition programs, in amounts consistent with budgeted amounts, and on terms and conditions determined reasonable by the City Manager;
- (c) Negotiate mental health services and senior nutrition programs, in amounts consistent with budgeted amounts, and on terms and conditions determined reasonable by the City Manager; and execute all agreements and amendments thereto related to the County grant funds awarded for 2004-05 in amounts consistent with budgeted amounts;
- (d) Enter into a three-month extension of the Senior Nutrition Agreement into the first three months of FY 2005-06 and to accept grant funds for that period in amounts consistent with budgeted amounts, until a new agreement for 2005-06 is finalized with the County; and
- (e) Negotiate and execute an amendment to the current 3-year Grant Agreement with the California Department of Education to accept the increase of \$138,556 in the grant funds for FY's 2003-04 and 2004-05 for the San Jose L.E.A.R.N.S. Program.

CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

Resolution No. 72213 adopted.

2.25 Approval of actions to donate land in Alviso to the City.

Recommendation:

Adoption of a resolution authorizing the City Manager to negotiate and execute:

- (a) An amendment to the agreement for transfer of property to the City of San José from Cisco Technology, Inc., dated March 29, 2004, to add two additional parcels of undeveloped land to its property transferred in the original agreement; and
- (b) Any other necessary documents to complete the transaction.

CEQA: Resolution No. 69636, PP04-06-198. Council District 4. (Parks, Recreation and Neighborhood Services)

Resolution No. 72214 adopted.

2 CONSENT CALENDAR

2.26 Approval of actions for improvements at Vista Park.

Recommendation:

- (a) Adoption of the following 2004-2005 appropriation ordinance amendments in the Park Trust Fund to:
 - (1) Establish an appropriation for the Vista Park Community Room and Restroom Project for \$188,000 to the Department of Parks, Recreation and Neighborhood Services;
 - (2) Establish an appropriation for the Vista Park Backstop Relocation Project for \$99,000 to the Department of Parks, Recreation and Neighborhood Services;
 - (3) Decrease the Reserve: District 10 Park Acquisition by \$287,000;

Ordinance No. 27200 adopted.

- (b) Adoption of a resolution authorizing the City Manager to negotiate and execute a Turnkey Park Agreement with SummerHill Homes for Planned Development Permit PD02-032 (PT02-056) to construct the Community Room and Restroom Project at Vista Park.

CEQA: Exempt, PP04-06-199. Council District 10. (Parks, Recreation and Neighborhood Services/City Manager's Office)

Resolution No. 72215 adopted.

2 CONSENT CALENDAR

2.27 Approval of actions related to grant agreements for the Dobern Bridge/Trail, Selma Olinder Park/Coyote Creek Trail and Willow Glen Spur Trail Projects.

Recommendation:

- (a) Adoption of a resolution:
 - (1) Authorizing the City Manager to negotiate and execute grant agreements with the Santa Clara Valley Water District (SCVWD) and submit all necessary documents:
 - (a) To receive \$250,000 for the design, construction, inspection, and project management associated with the Dobern Bridge/Trail Project in Council District 5.
 - (b) To receive \$250,000 for the design, construction, inspection, and project management associated with the development of Selma Olinder Park/Coyote Creek Trail Project in Council District 3.
 - (c) To receive \$300,000 for the acquisition of property and project management associated with the Willow Glen Spur Trail Project in Council District 6; and
 - (2) Providing the following certifications and appointment associated with the funding:
 - (a) Certify that the City has or will have sufficient funds to operate and maintain the projects subject to Council appropriation;
 - (b) Certify that the City has reviewed, understands, and agrees to the Special Provisions, General Provisions, and Financial Provisions contained in the agreements; and
 - (c) Appoint the City Manager as agent to conduct all negotiations, execute, and submit all documents which may be necessary for the completion of projects.

Resolution No. 72216 adopted.

Recommendation:

- (b) Adoption of the following appropriation ordinance and funding sources resolution amendments in the FY 2004-2005 Council District 5 Construction and Conveyance Tax Fund to:
 - (1) Increase the estimate for Earned Revenue by \$250,000.
 - (2) Establish an appropriation to the Parks, Recreation and Neighborhood Services Department for the Dobern Bridge/Trail Project in the amount of \$250,000.

Ordinance No. 27201 adopted.

Resolution No. 72217 adopted.

2 CONSENT CALENDAR

2.27 Approval of actions related to grant agreements for the Dobern Bridge/Trail, Selma Olinder Park/Coyote Creek Trail and Willow Glen Spur Trail Projects. (Cont'd)

- (c) Adoption of the following appropriation ordinance and funding sources resolution amendments in the FY 2004-2005 Council District 3 Construction and Conveyance Tax Fund to:

- (1) Increase the estimate for Earned Revenue by \$250,000.
- (2) Establish an appropriation to the Parks, Recreation and Neighborhood Services Department for the Selma Olinder Park/Coyote Creek Trail Project in the amount of \$250,000.

Ordinance No. 27202 adopted.

Resolution No. 72218 adopted.

- (d) Adoption of the following appropriation ordinance and funding sources resolution amendments in the FY 2004-2005 Council District 6 Construction and Conveyance Tax Fund to:

- (1) Increase the estimate for Earned Revenue by \$300,000.
- (2) Establish an appropriation to the Parks, Recreation and Neighborhood Services Department for the Willow Glen Spur Trail Project in the amount of \$300,000.

CEQA: Dobern Bridge/Trail, PP03-11-352; Selma Olinder/Coyote Creek Trail, PP00-10-147; Willow Glen Spur Trail, PP03-05-143. Council Districts 3, 5, and 6. SNI: Five Wounds/Brookwood Terrace, Spartan/Keyes, Tully/Senter, E. Valley/680. (Parks, Recreation and Neighborhood Services/City Manager's Office)

Ordinance No. 27203 adopted.

Resolution No. 72219 adopted.

2.28 Approval to award a contract for the Fourth Street/Zanker Road Sanitary Sewer Rehabilitation Project.

Recommendation: Report on bids and award of contract for the Fourth Street/Zanker Road Sanitary Sewer Rehabilitation Project to the low bidder, McGuire and Hester, in the amount of \$239,370, and approval of a contingency in the amount of \$24,000. CEQA: Exempt, PP04-02-030. Council Districts 3 and 4. (Public Works)

Approved.

2 CONSENT CALENDAR

2.29 Approval of an agreement for the purchase of a trail easement.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Pacific Gas and Electric Company for the purchase of a trail easement over a 1000 feet portion of the transmission line corridor property extending approximately from Story Road to Ocala Avenue, and approximately 300 feet west of Capitol Expressway, for an amount not to exceed \$6,250, and any additional documents necessary to complete the transaction. CEQA: Exempt, PP04-03-065. Council District 5. SNI: East Valley/680. (Public Works)

Resolution No. 72220 adopted.

2.30 Approval of Purchase and Sale Agreements for the Story Road Redevelopment Project Area.

Recommendation: Approval of Purchase and Sale Agreements with:

- (a) Albert and Lily Toy, in the amount of \$10,300, plus related closing costs, for the acquisition of a portion of 1101 South King Road (APN: 486-10-068), in the area of the proposed streetscape for the Story Road Redevelopment Project Area; and,
- (b) Dennis Fong and Polly Kam, in the amount of \$95,000, plus related closing costs, for the acquisition of a portion of 1666 South King Road (APN: 486-10-086,88,89), in the area of the proposed streetscape for the Story Road Redevelopment Project Area.

CEQA: Exempt, PP04-05-171. Council District 5. (Public Works)

Deferred to 8/3/04.

2.31 Approval of an agreement for the Los Gatos Creek Trail Reach 4-Lincoln/Auzerais Project.

Recommendation: Approval of the agreement for civil engineering services with A-N West, Inc. for the Los Gatos Creek Trail Reach 4-Lincoln/Auzerais Project, for a total amount of \$318,760, for a term from the date of execution to December 31, 2008. CEQA: Not a Project. Council District 6. (Public Works)

Approved.

2.32 Approval of an agreement for development of Fire Station No. 35.

Recommendation: Approval of an agreement with Public Storage, Inc. for acquisition of a permanent access easement over property located at 88 Blossom Hill Road for development of Fire Station No. 35, in return for City's commitment to construct certain improvements on the easement area. CEQA: Exempt, PP04-06-192. Council District 2. (Public Works/Fire)

Approved.

2 CONSENT CALENDAR

2.33 Adoption of a resolution establishing speed limits.

Recommendation: Rescind Resolution No. 71447 related to the establishment of speed limits in the City of San José, and adopt a resolution establishing speed limits with changes to the following roadways within the City of San José:

- (a) Re-establish speed limits with changes to the following roadways within the City of San José:
 - (1) Mount Pleasant Road, between Clayton Road and Marten Avenue, from 35 MPH to 30 MPH.
 - (2) McKean Road, between Almaden Road and Harry Road, from 40 MPH to 35 MPH.
 - (3) Senter Road, between Keyes Street and Tully Road, from 45 MPH to 40 MPH.
- (b) Establish speed limits on the following roadways within the City of San José:
 - (1) Winfield Boulevard, between Coleman Road and the southerly terminus, 30 MPH.
 - (2) Foxworthy Avenue, between Old Almaden Road and Hillsdale Avenue, 35 MPH.

CEQA: Exempt, PP04-06-186. Council Districts 5, 6, 7, and 10. (Transportation)

Resolution No. 72221 adopted.

2.34 Approval of a Community Event for use of the HP Pavilion.

Recommendation: Approval of use of the HP Pavilion at San José for a Community Event date, at a 75% program funding level that is not to exceed \$30,000, for the San José Jazz Society Salsa Dance Party Concert on August 6, 2004. CEQA: Not a Project. (San José Arena Authority)

Approved.

2.35 Approval to amend an agreement for the Agriculture in Partnership Program.

Recommendation: Approval of a fourth amendment to the consultant agreement with Karin Grobe for technical assistance services for the Agriculture in Partnership Program, extending the term by two years, from August 1, 2004 to August 1, 2006, and increasing compensation by \$30,000, for a total agreement amount not to exceed \$121,448. CEQA: Not a Project. (Environmental Services)

(Deferred from 6/22/04 – Item 2.9)

Deferred to 8/3/04.

2 CONSENT CALENDAR

2.36 Approval of an agreement for enclosed space for electric carts at the San José Municipal Golf Course.

Recommendation: Approval of an agreement with Mike Rawitser Golf Shop (Mike Rawitser) to manage the design, bidding, and construction of a new enclosed space for electric carts at the existing maintenance facility at San José Municipal Golf Course, in an amount not to exceed \$400,000, from the date of execution to January 31, 2006. Council District 4. (Parks, Recreation and Neighborhood Services/Public Works) (Deferred from 6/22/04 – Item 2.15)

Approved.

2.37 Approval of a grant agreement to provide pedestrian and bicycle safety program to elementary and middle school students.

Recommendation:

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute a grant agreement with the State of California Office of Traffic Safety to receive grant funding in an amount not to exceed \$230,130, to provide a pedestrian and bicycle safety program to elementary and middle school students.

Resolution No. 72222 adopted.

- (b) Adoption of the following 2004-2005 appropriation ordinance and funding sources resolution amendments in the General Fund:
- (1) Increase the estimate for Revenue from the State by \$121,200.
 - (2) Increase the Department of Transportation Non-Personal/Equipment appropriation by \$64,500.
 - (3) Increase the Department of Transportation Personal Services appropriation by \$56,700.

CEQA: Not a Project. (Transportation/City Manager's Office)
(Rules Committee referral 6/23/04)

Ordinance No. 27204 adopted.

Resolution No. 72223 adopted.

2.38 Scheduling of one-day City Council Study Session on August 27, the anniversary of last year's "Getting Families Back to Work" study session.

Recommendation: Direct the City Manager to schedule one-day City Council Study Session on August 27, the anniversary of last year's "Getting Families Back to Work" study sessions, to focus on job creation and retention and the results and progress we have made over the past twelve months. (Mayor)
(Rules Committee referral 6/23/04)

Approved.

2 CONSENT CALENDAR

2.39 Approval of a Council Policy on use of City-issued credit cards.

Recommendation: Adoption of a resolution approving a Council Policy on use of City-issued credit cards by Council Members and Council Appointees. (City Attorney's Office)

(Rules Committee referral 6/23/04)

Resolution No. 72224 adopted.

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session

Mayor Gonzales, Chair

No Report.

3.2 Report of the Rules Committee - Meeting of June 16, 2004

Vice Mayor Dando, Chair

(a) Redevelopment Agency items reported out at Redevelopment Agency meeting

(b) City Council

(1) Review June 29, 2004 Draft Agenda

The Committee recommended approval of the June 29, 2004 City Council agenda with three additions.

(2) Add New Items to June 22, 2004 Amended Agenda

- Mayor and Council Member Requests
- City Manager Requests
- City Attorney Requests
- City Clerk Requests

The Committee recommended seven additions to the June 22, 2004 City Council agenda.

(3) List of Reports Outstanding

The Committee noted and filed the City Manager's report stating there are eleven Staff reports outstanding for the June 22, 2004 Council agenda.

(c) Legislative Update

(1) State

(a) SB 744 (Dunn) regarding the State Department of Housing and Community Development Housing Accountability Committee

This item was reported at the June 22, 2004 Council Meeting.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee - Meeting of June 16, 2004 (Cont'd)

Vice Mayor Dando, Chair

- (c) Legislative Update (Cont'd.)
 - (2) Federal
 - (a) Federal Lobbyist Report
The Committee recommended acceptance of the April-May 2004 report from the City's Federal lobbyist firm of Patton Boggs, LLP, in Washington, D.C.
- (d) Meeting Schedules
There were none.
- (e) The Public Record
The Committee noted and filed the Public Record.
- (f) Appointment to Boards, Commissions and Committees
There were none.
- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Selection of Airport Public Art Master Plan Consultant
The Committee recommended deferral of this item to next week's Rules Committee meeting.
- (h) Oral communications
None were presented.
- (i) Adjournment
The meeting was adjourned at 2:25 p.m.

Meeting of June 23, 2004

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
 - (1) Review July 6, 2004 Draft Agenda
This item was dropped – Legislative Recess.
 - (2) Add New Items to June 29, 2004 Amended Agenda
With Council Member Chavez dissenting, the Committee directed the City Clerk to change Item 10.1 to read, "Receive report from the Blue Ribbon Task Force and consider approval of the Lobbying Ordinance." The Committee recommended twelve additions to the June 29, 2004 Council Agenda.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee - Meeting of June 23, 2004 (Cont'd)

Vice Mayor Dando, Chair

- (b) City Council (Cont'd.)
 - (3) List of Reports Outstanding
The Committee noted and filed the City Manager's report stating there are ten Staff reports outstanding for the June 29, 2004 Council agenda.
- (c) Legislative Update
 - (1) State
The Committee accepted the action taken by Roxanne Mille, City of San José Legislative Representative in Sacramento, in support of AB 2690 relating to public works funds and volunteers.
 - (2) Federal
There was no report.
- (d) Meeting Schedules
 - (1) Approve Rules-in-Lieu Schedule
The Committee recommended Rules-in-Lieu meetings on July 21, and July 28, 2004, to be held at 11:00 a.m. in the Office of the City Clerk.
- (e) The Public Record
The Committee noted and filed the Public Record.
- (f) Appointment to Boards, Commissions and Committees
 - (1) Elections Commission Resignation
The Committee directed the City Clerk to advertise during the month of July 2004 for the vacant position on the Elections Commission.
- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Selection of Airport Public Art Master Plan Consultant
The Committee accepted the report.
 - (2) Approve Council Committee Workplans
 - (a) All Children Achieve
The Committee recommended that the All Children Achieve Committee schedule its November meeting on November 4, 2004. The Committee recommended approval of the All Children Achieve work plan for the period August through December 31, 2004 and setting its meeting schedule on the second Thursday of each month at 1:30 p.m. in Room 204.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee - Meeting of June 23, 2004 (Cont'd)

Vice Mayor Dando, Chair

- (2) Approve Council Committee Workplans (Cont'd.)
 - (b) Building Better Transportation
The Committee recommended approval of the Building Better Transportation work plan for the period August through December 31, 2004 and setting its meeting schedule on the first Monday of each month at 1:30 p.m. in Room 204.
 - (c) Building Strong Neighborhoods
The Committee recommended approval of the Building Strong Neighborhoods work plan for the period August through December 31, 2004 and setting its meeting schedule on the third Monday of each month at 1:30 p.m. in Room 204.
 - (d) Driving a Strong Economy
The Committee recommended approval of the Driving a Strong Economy work plan for the period August through December 31, 2004 and setting its meeting schedule on the fourth Monday of each month at 1:30 p.m. in Room 204.
 - (e) Making Government Work Better
The Committee recommended that the Making Government Work Better Committee change its September 23 meeting September 16, 2004. The Committee recommended approval of the Making Government Work Better work plan for the period August through December 31, 2004 and setting its meeting schedule on the third Thursday of each month at 1:30 p.m. in Room 204, and two placeholders for November and December on the second Wednesday at 2:30 p.m.
 - (f) Rules
The Committee recommended approval of the Rules Committee work plan for the period August through December 31, 2004 and setting its meeting schedule each Wednesday of the month at 2:00 p.m. in Room 204.
- (3) Request to extend due date for draft of High-Rise Safety Regulation Review
The Committee recommended the draft of the High-Rise Safety Regulation Review be extended to August 11, 2004.
- (h) Oral communications
None were presented.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee - Meeting of June 23, 2004 (Cont'd)

Vice Mayor Dando, Chair

(i) Adjournment

The meeting was adjourned at 2:45 pm.

The Rules Committee Reports and the Actions of June 16, and June 23, 2004, were accepted, including the 6-month work plans for the Committees.

3.3 Report of the Making Government Work Better Committee

Council Member Campos, Chair

No Report.

3.4 Interview and appointment of Planning Commissioners.

Recommendation: Interview and appoint four Planning Commissioners for terms ending June 30, 2008. (City Clerk)

(Deferred from 6/1/04 – Item 3.6)

Fourteen applicants interviewed. Council appointed incumbents Jay James, Bob Dhillon, and Christopher Platten. Dang Pham was also appointed.

3.5 Approval of actions for the New City Hall.

Recommendation:

- (a) (1) Report on bids and recommend award of contract for the San José Civic Center Audio Visual (A/V) Systems Project to the low bidder, Ceitronics, Inc. in the amount of \$3,946,392.

Approved. Noes: LeZotte.

- (2) Adoption of a resolution authorizing the City Manager to negotiate and execute deductive and additive change orders to the Contract so long as the total contract amount does not exceed \$3,946,392; and

Resolution No. 72225 adopted. Noes: LeZotte.

- (3) Direct staff to downgrade the audiovisual technology in conference rooms and reduce the number of video cubes at the unit price established in the bid for a total reduction up to \$360,774.

CEQA: Civic Plaza Redevelopment Plan, Resolution No. 68905, PP98-03-072.

SNI: University. (Public Works/City Manager's Office)

Approved. Noes: LeZotte.

3 STRATEGIC SUPPORT SERVICES

3.5 Approval of actions for the New City Hall. (Cont'd)

Recommendation:

- (b) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Andrew Leicester to fabricate and install artworks for the New City Hall Streetscape public art project, for an amount not to exceed \$920,000.
CEQA: Exempt, PP04-02-034. (Conventions, Arts and Entertainment)

Resolution No. 72226 adopted. Noes: LeZotte.

- (c) Approval to:
- (1) Execute a contract change order with Skymaster, Inc. in the amount of \$389,057, for window washing equipment for the Rotunda Brise Soleil for a total contract not to exceed \$1,286,436; and,
 - (2) Report back to Council within 3 months with a recommendation on the procurement of a window cleaning hydraulic-lift or alternative window cleaning services.

CEQA: Civic Plaza Redevelopment Plan, Resolution No. 68905, PP98-03-072.
(City Manager's Office/General Services)
(Rules Committee referral 6/23/04)

Approved. Noes: LeZotte.

Staff directed to stay within or below budget on Items 3.5(a)(b)(c).

- (d) Direct staff to:
- (1) Issue a Request for Proposals (RFP) to solicit up to three tenants for approximately 6,000 square feet of first floor space fronting South Fourth Street available in the New City Hall;
 - (2) Model the RFP on the successful Fourth Street Garage retail project RFP;
 - (3) Solicit responses from a broad array of commercial retail brokers and restaurant owners and representatives.

(Economic Development)

(Rules Committee referral 6/23/04)

Deferred to August 10, 2004, per Orders of the Day.

Per a separate motion, the City Attorney and City Auditor were directed to review the RFP process for the Converged Data Network and Telephony System, and address concerns raised in a letter of protest from SBC. Noes: LeZotte.

3.6 Review of the CUSP Procurement Evaluation Process.

Recommendation: Review of the CUSP Procurement Evaluation Process. (City Auditor)
(Deferred from 6/22/04 – Item 3.10)

Accepted.

3 STRATEGIC SUPPORT SERVICES

3.7 Approval of actions for the integrated Utility Billing, Customer Service and Performance Management System.

Recommendation:

- (a) Adoption of a resolution authorizing the City Manager to enter into exclusive negotiations for sixty (60) days for the purchase, installation, and integration of an Integrated Utility Billing, Customer Service and Performance Management System (CUSP) with BearingPoint/PeopleSoft, with the option to return to the City Council for further recommendation in the event business terms are not reached with BearingPoint/PeopleSoft.

Resolution No. 72227 adopted.

- (b) Direct staff to proceed with the necessary actions to expand the City's commercial paper program including the preparation of the necessary amendments to the Trust Indenture, certain financing documents, and preparation of a new Offering Memorandum for the City of San José Financing Authority Tax-Exempt Lease Revenue Commercial Paper Notes (the "CP Notes") for City Council and the City of San José Financing Authority Board approval by September 2004.
- (c) Direct staff to return to Council by September 2004 for Council's approval of a final agreement between the City and the recommended CUSP vendor solution and the related budget appropriations.

CEQA: Not a Project. (Finance)
(Rules Committee referral 6/23/04)

Approved.

3.8 Approval of a Memorandum of Agreement with the Municipal Employees Federation, Local 101, AFSCME, AFL-CIO (MEF), subject to ratification by the MEF membership.

Recommendation: Adoption of a resolution approving a Memorandum of Agreement with the Municipal Employees Federation, Local 101, AFSCME, AFL-CIO (MEF), subject to ratification by the MEF membership. (City Manager's Office)

(Rules Committee referral 6/23/04)

Resolution No. 72228 adopted.

3.9 Approval of an agreement with the City Association of Management Personnel (CAMP), subject to ratification by the CAMP membership

Recommendation: Adoption of a resolution approving an agreement with the City Association of Management Personnel (CAMP), subject to ratification by the CAMP membership. (City Manager's Office)

(Rules Committee referral 6/23/04)

Resolution No. 72229 adopted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Building Strong Neighborhoods Committee – June 21, 2004

Council Member Chavez, Chair

(a) Greenprint Update

The Committee accepted the Staff report with direction to investigate the use of C&C and PDO Funds for the Greenprint planning process; and to provide a Greenprint information memorandum to City Council.

(b) Neighborhood Housing Rehabilitation and Infill Update

The Committee accepted the Staff report with direction to review the program used by the Mayor of Anaheim, California, incorporating two weeks of no charge for permits.

(c) Business Plan (Strong Neighborhood Initiative) Update

The Committee accepted the Business Plan Update report, with direction to include in the report to the City Council: (1) Review the area groupings; (2) Strategy developed for the non-SNI areas; (3) Finalize the organization Chart; (4) Include the performance measures.

(d) Oral petitions

There were none.

(e) Adjournment

The meeting was adjourned at 3:07 p.m.

The Building Strong Neighborhoods Committee Report and the Actions of June 21, 2004, were accepted.

4.2 Report of the Driving a Strong Economy Committee

Council Member Williams, Chair

No Report.

4.3 Approval of a Memorandum of Understanding related to Habitat Conservation Plan and Natural Community Conservation Plan.

Recommendation: Approval of the Memorandum of Understanding (MOU) with the County of Santa Clara, Santa Clara Valley Water District, and Valley Transportation Authority for the Santa Clara Valley Habitat Conservation Plan (HCP) and Natural Community Conservation Plan (NCCP). CEQA: Exempt, PP03-08-268. (Planning, Building and Code Enforcement)

[Driving a Strong Economy Committee referral 6/23/03 - Item 4.2(d)]

(Deferred from 9/9/03 – Item 4.6 and 6/15/04 – Item 4.3)

Approved.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.4 Approval of the location for a Civic Center off-site employee parking garage.

Recommendation:

- (a) Public Hearing on Appeal, if any is filed, of the Planning Commission's Certification of the Final Recirculated Supplemental Environmental Impact Report (EIR) for the Civic Plaza Parking Structure, a three-bay parking structure on a 1.22 acre site, which would contain between 1,128 and 1,250 parking spaces and up to 7,660 square feet of ground floor commercial uses located between North Fourth and Fifth Streets, 225 feet north of East Santa Clara Street. (Planning, Building and Code Enforcement)
PP 03-03-088 - District 3

The Public Hearing on Appeal was held.

- (b) Adoption of a resolution rescinding Resolution No. 71742 and approving a new location for the Civic Center Garage Project to conform to the location(s) studied in the FRSEIR, and directing staff to implement mitigation measures identified and described in the FRSEIR, and to proceed with the design documents. CEQA: Resolution to be adopted. Council District 3. SNI: 13th Street. (Public Works)

CEQA Resolution Nos. 72230 and 72230.1 adopted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.5 Approval of actions for Paseo Senter Family Housing Project (Phase I and II).

Recommendation: Adoption of resolutions:

- (a) Approving funding commitments for a loan of up to \$6,943,800 and a conditional grant of up to \$200,000 to Charities Housing Development Corporation and CORE Development Inc., or their designated affiliate entities, for the development of the 117-unit Paseo Senter Family Housing Project, Phase I, to be made affordable to extremely low- and very low-income households, located on the east side of Senter Road, approximately 600 feet southerly of Needles Drive.
- (b) Approving a funding commitment for a loan of up to \$5,939,550 to Charities Housing Development Corporation and CORE Development Inc., or their designated affiliate entities, for the development of the 101-unit Paseo Senter Family Housing Project, Phase II, to be made affordable to extremely low- and very low-income households, located on the east side of Senter Road, approximately 850 feet southerly of Needles Drive.
- (c) Approving the “Draft Relocation Impact Statement and Last Resort Housing Plan for the Senter Road Housing Development Project” prepared by Crossroads R/W in connection with both phases of the Paseo Senter Family Housing project, dated June 2, 2004.

CEQA: Negative Declaration, PDC 03-057. District 7. SNI: Tully/Senter. (Housing)

Resolution No. 72231 adopted.

4.6 Approval of the Consolidated Plan Annual Action Plan for FY 2004-2005.

Recommendation: Adoption of amendments to the FY 2004-05 Consolidated Plan Annual Action Plan to:

- (a) Authorize the submission of an amended 2004-05 annual Action Plan to the City’s Community Development Block Grant Program (CDBG) for funding assistance from the Department of Housing and Urban Development (HUD) Brownfields Economic Development Initiative (BEDI) Grant application in the amount of \$2,000,000, and a Section 108 Loan guarantee in the amount of \$26,000,000, to assist in the acquisition of 74.87 acres of property located at 1125 Coleman Avenue.
- (b) Authorize the submission of a Section 108 Loan Guarantee application to assist with the purchase of the 74.87 acres of property directly west of the Norman Y. Mineta San José International Airport.
- (c) Set forth the City’s plan to market and provide outreach for the American Dream Down payment Initiative (ADDI) under the HOME Program section of the Action Plan.

CEQA: Not a Project. (Housing/Parks, Recreation and Neighborhood Services/Economic Development)

Approved.

5 RECREATION & CULTURAL SERVICES

- 5.1 Report of the All Children Achieve Committee
Council Member Yeager, Chair
No Report.**

- 5.2 Approval to award a contract for the Almaden Lake Park Improvements Project (Phase I).**

Recommendation: Report on bids and award of contract for the Almaden Lake Park Improvements Phase I Project to the low bidder, Robert A. Bothman, Inc., to include the base bid and Add Alternate No. 1 in the amount of \$920,889, and approval of a contingency in the amount of \$92,000. CEQA: Mitigated Negative Declaration, PP04-02-051. Council District 10. (Public Works/Parks, Recreation and Neighborhood Services) (Deferred from 6/15/04 – Item 5.4)

Approved.

- 5.3 Approval of actions related to field and track improvements at Fischer Middle School.**

Recommendation:

- (a) Adoption of a resolution:

- (1) Finding that the construction at Fischer Middle School of an athletic field and running track is consistent with the purposes of Section 21670 of the California Public Utilities Code; and
- (2) Rejecting and overriding the condition imposed by the County of Santa Clara Airport Land Use Commission that the City requires the dedication of an aviation easement to the County of Santa Clara in favor of the Reid-Hillview Airport as part of the construction project at Fischer Middle School.

CEQA: Negative Declaration, H03-057. Council District 5. SNI: East Valley/680 Communities. (Library/Public Works)

Resolution No. 72232 adopted.

- (b) Report on bids and award of contract for the Fischer Middle School Athletic Field and Track Improvements to the low bidder, **O.C. Jones & Sons, Inc.***, in the amount of **\$768,885***, and approval of a contingency in the amount of \$38,000. CEQA: Negative Declaration, H03-057. Council District 5. SNI: East Valley/680 Communities. (Public Works/Library)

Approved. *Revised due to clerical error on Council memorandum.

5 RECREATION & CULTURAL SERVICES

5.4 Approval of various actions for the Selma Olinder Park Project.

Recommendation:

- (a) (1) Adoption of the following 2004-2005 appropriation ordinance amendments and funding sources resolution amendments in the Council District 3 Construction and Conveyance Tax Fund to:

- (a) Increase the Earned Revenue estimate by \$600,000.
- (b) Establish an appropriation to the Parks, Recreation, and Neighborhood Services Department for the Selma Olinder Park Project in the amount of \$1,025,000.
- (c) Decrease the Ending Fund Balance by \$425,000.

Ordinance No. 27205 adopted.

Resolution No. 72233 adopted.

- (2) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with the San José Unified School District (SJUSD) in an amount not to exceed \$600,000, for the purpose of funding design and constructing improvements and joint use at Selma Olinder School as part of the Selma Olinder Park Project.

CEQA: Mitigated Negative Declaration, PP00-10-147. Council District 3. SNI: Five Wounds/Brookwood Terrace. (Parks, Recreation and Neighborhood Services/City Manager's Office)

Resolution No. 72234 adopted.

- (b) (1) Adoption of a resolution authorizing the City Manager to award a construction contract for the Selma Olinder Park Project to the lowest responsive bidder, and approval of a contingency of five percent, in a total amount not to exceed \$2,005,510.

Resolution No. 72235 adopted.

- (2) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with the San José Conservation Corps to construct a specified portion of the Selma Olinder Park Project at no cost to the City for labor and providing for an allowance for materials and equipment rental in an amount not to exceed \$370,000.

Resolution No. 72236 adopted.

- (3) Adopt the following 2004-2005 appropriation ordinance amendments and funding sources resolution amendments in the Community Development Block Grant Fund:

- (a) Increase the Beginning Fund Balance by \$123,000.
- (b) Increase the Selma Olinder Park (Phase I) Project by \$213,000.

CEQA: Mitigated Negative Declaration, PP00-10-147. Council District 3. SNI: Five Wounds/Brookwood Terrace. (Public Works/Parks, Recreation and Neighborhood Services/City Manager's Office)

Ordinance No. 27206 adopted.

Resolution No. 72237 adopted.

5 RECREATION & CULTURAL SERVICES

5.5 Approval of fiscal actions related to the Branch Libraries Bond Projects.

Recommendation:

- (a) Adopt the following 2003-2004 funding sources resolution amendments in the Branch Libraries Bond Projects Fund:

- (1) Decrease the Earned Revenue estimate by \$6,450,000.
- (2) Establish a Short-Term Loan from the Sanitary Sewer Connection Fee Fund in the amount of \$6,450,000.

Resolution No. 72238 adopted.

- (b) Adopt the following 2003-2004 appropriation ordinance amendments in the Sanitary Sewer Connection Fee Fund:

- (1) Establish a Short-Term Loan to the Branch Libraries Bond Projects Fund in the amount of \$6,450,000.
- (2) Decrease the Ending Fund Balance by \$6,450,000.

Ordinance No. 27207 adopted.

- (c) Adopt the following 2004-2005 appropriation ordinance and funding sources resolution amendments in the Branch Libraries Bond Projects Fund:

- (1) Increase the Earned Revenue estimate by \$6,457,000.
- (2) Establish a Loan Repayment from the Sanitary Sewer Connection Fee Fund in the amount of \$6,457,000 to reflect the repayment of the short-term loan from this fund, including estimated interest that will be calculated at the City's pooled investment portfolio rate.

Ordinance No. 27208 adopted.

Resolution No. 72239 adopted.

- (d) Adopt the following 2004-2005 appropriation ordinance and funding sources resolution amendments in the Sanitary Sewer Connection Fee Fund:

- (1) Establish a Loan Repayment from the Branch Libraries Bond Projects Fund in the amount of \$6,457,000 to reflect the repayment of the short-term loan to this fund, including the estimated interest that will be calculated at the City's pooled investment portfolio rate.
- (2) Increase the Ending Fund Balance by \$6,457,000.

CEQA: Not a Project. (City Manager's Office)

(Rules Committee referral 6/23/04)

Ordinance No. 27209 adopted.

Resolution No. 72240 adopted.

5 RECREATION & CULTURAL SERVICES

5.6 Approval of budget action related to the Team San José (TSJ) contract.

Recommendation: Approval of the following actions amending the 2004-2005 Approved Budget to implement the Team San José management agreement to operate the City's Convention Center and Cultural Facilities as approved by City Council on June 22, 2004.

- (a) Adoption of 2004-2005 appropriation ordinance and funding sources resolution amendments in General fund and the Convention and Cultural Affairs Fund as detailed in Attachment A of the report.

Ordinance No. 27210 adopted.

Resolution No. 72241 adopted.

- (b) Restoration of 10.25 positions, addition of 1.0 position for operation oversight and elimination of 20.0 positions as detailed in Attachment B of the report.

CEQA: Not a Project. (City Manager's Office)

(Rules Committee referral 6/23/04)

Approved.

5.7 Approval of budget action related to the Healthy Neighborhood Venture Fund.

Recommendation: Adopt the following 2004-2005 appropriation ordinance amendments and funding sources resolution amendments in the Anti-Tobacco Master Settlement Agreement Revenue Fund:

- (a) Decrease the Youth Tobacco Education and Compliance Program appropriation by \$87,286, from \$141,977 to \$54,691.
- (b) Decrease the Local Enforcement of Tobacco Control Project appropriation by \$13,339, from \$94,772 to \$81,433.
- (c) Increase the Healthy Children Project appropriation by \$100,000, from \$2,000,000 to \$2,100,000.
- (d) Increase the Alzheimer's Activity Center Project appropriation by \$6,675, from \$20,025 to \$26,700.
- (e) Increase the Senior Safety Education Project appropriation by \$19,357, from \$58,073 to \$77,430.
- (f) Increase the Addressing the Gaps in Aging Services - Nutrition Services appropriation by \$155,900, from \$623,599 to \$779,499.
- (g) Increase the Minority Senior Service Providers Consortium Wellness Project appropriation by \$46,725, from \$140,175 to \$186,900.

(Item continued on the next page)

5 RECREATION & CULTURAL SERVICES

5.7 Approval of budget action related to the Healthy Neighborhood Venture Fund (Cont'd.)

- (h) Establish an appropriation to the Parks, Recreation, and Neighborhood Services Department for the Seniors Living With Vision Loss Project in the amount of \$66,000.
- (i) Increase the Interest Earnings Reserve appropriation by \$121,617, from \$453,459 to \$575,076.
- (j) Decrease the Reserve: To be Allocated at a Future Date appropriation by \$415,649.

CEQA: Not a Project. (Parks, Recreation and Neighborhood Services/City Manager's Office)

(Rules Committee referral 7/23/04)

Ordinance No. 27211 adopted.

5.8 Approval of actions related to the Mexican Heritage Plaza.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute a First Amendment to Loan Agreement and Promissory Note with the Mexican Heritage Corporation to:

- (a) Allow the City to use certain space at the Mexican Heritage Plaza for a Neighborhood Development Center; and
- (b) Reduce the annual loan installment repayment amount of \$50,000 (with the final installment payment of \$100,000) due from MHC to City by \$17,280, for each year the NDC is in residence at the Mexican Heritage Plaza; and
- (c) Amend the Loan Repayment Schedule to defer the due date of MHC's first payment from July 1, 2003 to July 1, 2004, and increasing the final installment payment due July 1, 2014 to \$150,000, subject to the reduction described in subparagraph 2) above.

CEQA: Not a project. (Conventions, Arts and Entertainment/Parks, Recreation and Neighborhood Services)

(Rules Committee referral 6/23/04)

Resolution No. 72243 adopted.

5.9 Approval of agreements for the Berryessa Branch Library Project.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute any necessary agreements with Travelers Casualty & Surety Company, the surety for Dennis J. Amoroso Construction Company, Inc., and any construction contractor for completion of the Berryessa Branch Library Project at no additional cost to the City beyond \$4,876,538 and including the authority to negotiate liquidated damages.

CEQA: Negative Declaration, H02-007. (Public Works/Library)

(Rules Committee referral 6/23/04)

Resolution No. 72244 adopted.

6 TRANSPORTATION SERVICES

- 6.1 Report of the Building Better Transportation Committee
Council Member Cortese, Chair
No Report.**

- 6.2 Approval to award a contract for the Senter Road Project.**

Recommendation: Adoption of a resolution authorizing the City Manager to award the Senter Road Project from Singleton Road to Monterey Road to the lowest responsive bidder, and approval of a ten percent contingency, in an amount not to exceed the funds appropriated for the project. CEQA: Exempt, PP 04-03-083. Council Districts 2 and 7. (Public Works/Transportation)

Resolution No. 72245 adopted.

- 6.3 Approval of City recommendations on design options for the Capitol Expressway Light Rail Corridor Project.**

Recommendation: Approval of City recommendations on design options for the Capitol Expressway Light Rail Corridor Project. CEQA: Not a Project. Council Districts 5, 7, 8, and 10. SNI: East Valley/680 Communities, West Evergreen. (Transportation)

Approved, with the following modifications and additional direction to Staff:

- (1) Proceed with the Environmental Impact Report (EIR) completion and approval process for the Alum Rock to Neiman segment of the project (Phase 1), with a completion goal of November 2004.**
- (2) Seek additional design options for the Neiman to McLaughlin Station segment that will allow maintaining eight lanes on Capital Expressway from Aborn Road to Route 101 to support the Evergreen Smart Growth Strategy. After identifying design options that meet this objective, proceed with the completion of a separate EIR for the Neiman to Route 87 segment of the project (Phase 2) with a completion goal before Spring 2005. This will allow this portion of the project to be ready for full consideration as a “high priority” project in the VTA countywide study of future transit investment priorities. That study is scheduled for completion in the Spring of 2005.**

6 TRANSPORTATION SERVICES

6.4 Approval to award a contract for the Monterey Road Median Island Landscape Improvement Project.

Recommendation:

- (a) Report on bids and adoption of a resolution authorizing the City Manager to award a contract in the amount of \$2,013,788, for the Monterey Corridor Median Improvement Project (Keyes Street to Curtner Avenue), to the lowest responsive bidder, Joseph J. Albanese Inc., contingent upon approval of the State encroachment permit, and approval of a contingency in the amount of \$161,000. CEQA: Resolution No. 65657, PP01-07-135.

Resolution No. 72246 adopted.

- (b) Adoption of the following 2004-2005 appropriation ordinance and funding sources resolution amendments:

- (1) Increase the appropriation to the Public Works Department for the Monterey Corridor Median Improvement Project (PSM 241#3) by \$163,000.
- (2) Increase the estimate for Earned Revenue by \$163,000.

Council Districts 3 and 7. SNI: Spartan/Keyes. (Public Works/City Manager's Office/Transportation)

(Deferred from 6/22/04 – Item 6.3)

Ordinance No. 27212 adopted.

Resolution No. 72247 adopted.

7 ENVIRONMENTAL & UTILITY SERVICES

7.1 Approval of actions related to acquisition of a property by eminent domain.

Recommendation: Adoption of a resolution:

- (a) Determining that public use and necessity require the acquisition of:
 - (1) Fee title to a portion of property located near Old Yerba Buena Road, owned by Yerba Buena OPCO LLC for a recycled water storage facility site;
 - (2) Permanent easements for access, overflow, and pipelines; and
 - (3) Temporary construction easements (TCEs) for recycled water storage facility access, pipelines, and overflow drains.
- (b) Finding that:
 - (1) The property to be taken is necessary for the completion of the Zone 3 recycled water storage facility Project;
 - (2) The proposed project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury;
 - (3) City staff established an amount of just compensation not less than the approved appraisal of the fair market value;
 - (4) City staff presented an offer to the owners for the full appraised amount; and
 - (5) The proposed taking and use are authorized by law;
- (c) Directing the City Attorney to file an eminent domain action to acquire the above property interests.

CEQA: Negative Declaration, PP00-05-072, and addenda thereto. Council District 8.
(Public Works/Environmental Services)

Resolution No. 72248 adopted, including:

Direction to Staff:

In the event Yerba Buena OPCO/Legacy or its successor in title submits a development proposal for the affected parcel, Staff shall meet with the landowners in order to discuss a potential minor reconfiguration of the southwest property line of the take parcel in conjunction with the property owners' agreement to appropriate conditions.

8 AVIATION SERVICES

8.1 Approval of an agreement for On-Call Consultant Design Services for the North Concourse Project at the Airport.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with HMH Engineers for On-Call Consultant Design Services for the North Concourse Project at Norman Y. Mineta San José International Airport for the period June 30, 2004 to June 30, 2006, in an amount not to exceed \$1,000,000. CEQA: Resolution Nos. 67380 and 71451, PP 04-03-086.
(Airport)

Resolution No. 72249 adopted.

8 AVIATION SERVICES

8.2 Approval of an agreement for the Automated People Mover Project at the Airport.

Recommendation: Approval of modifications to the project schedules and a continuation agreement with Lea+Elliott, Inc. for the Automated People Mover Projects at the Norman Y. Mineta San José International Airport, extending the term from December 31, 2003 to June 30, 2006, and increasing the compensation by \$150,000, for a total agreement amount of \$800,000. CEQA: Resolution Nos. 67380 and 71451, PP04-05-179. (Public Works/Airport)

Approved.

8.3 Adoption of a resolution to establish rental fees at Norman Y. Mineta San José International Airport.

Recommendation: Adoption of a resolution amending Resolution No. 59988 to establish rental fees for use of unimproved land, use of paved land, passenger and air cargo aircraft parking on the ramp, and shared use passenger air carrier facilities at the Norman Y. Mineta San José International Airport. CEQA: Not a Project. (Airport)
(Deferred from 6/22/04 – Item 8.2)

Resolution No. 72250 adopted.

9 PUBLIC SAFETY SERVICES

9.1 Approval of an agreement for the Emergency Communications Network.

Recommendation: Adoption of a resolution authorizing the Director of General Services to negotiate and execute an agreement with Harris Corporation for the engineering, design, hardware, training, and installation/integration services for the Emergency Communications (E-Comm) Network, in an amount not to exceed \$4,910,000. CEQA: Not a Project. (General Services/Police/Information Technology)

Resolution No. 72251 adopted.

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

The Redevelopment Agency Board convened at 8:16 p.m. to consider Items 10.1, 10.2, 10.3, and 10.4 in a Joint Session.

10.1 Review and discussion of amendments to the Lobbying Ordinance.

Recommendation: Receive report from Blue Ribbon Task Force and consider the approval of an ordinance amending Chapter 12.12 of Title 12 of the San José Municipal Code to amend and restate the City of San José Municipal Lobbying Ordinance. (Blue Ribbon Task Force)

(Deferred from 6/8/04 – Item 10.2)

Report accepted, including:

- (1) Council action on the report deferred to August 10, 2004 evening Council Meeting.
- (2) Staff directed to schedule a study session on August 3, 2004, to discuss the ordinance.
- (3) Staff to perform extensive outreach to media outlets, members of the public, and community groups that will be affected by the ordinance.

Noes: Dando, Yeager.

10.2 Approval of actions for the Delmas Park Apartments and Our House Project.

Recommendation:

(a) That the City Council:

- (1) Adopt a resolution making a loan commitment of up to \$7,206,605, and grant commitment of up to \$1,500,000, to CORE Development Inc., or its designated affiliate entity or assignee, for construction and permanent financing of the 123-unit Delmas Park Apartments project, located at the southeast corner of West San Carlos Street and Bird Avenue and to be made affordable to extremely low-, very low-, and low-income households.

Resolution No. 72252 adopted.

- (2) Adopt a resolution making an additional grant commitment of up to \$1,000,000 to Emergency Housing Consortium for construction and permanent financing of the Our House project, located at the northeast corner of South Third and William Streets, and to be made affordable to extremely low-income individuals.

Resolution No. 72253 adopted.

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

10.2 Approval of actions for the Delmas Park Apartments and Our House Project (Cont'd.)

- (b) That the Agency Board adopt a resolution:
 - (1) Approving the shift of \$2,500,000 from FY 2004-2005 to FY 2003-2004 in the 20% Supplement (Allowance) project line in the Merged Redevelopment Area, as detailed on Attachment B; and
 - (2) Amending the FY 2003-2004 Agency appropriations resolution, as detailed on Attachment B.

CEQA: Delmas Park Apartments (PDC03-016) – Addendum to Resolution No. 68839 (Downtown Strategy Plan EIR). Our House/City Year (RPD03-004) – Resolution No. 68839 (Downtown Strategy Plan EIR). Council District 3. SNI: Delmas Park and University. (City Manager's Office/Redevelopment Agency)

Redevelopment Agency Board Resolution No. 5538 adopted.

10.3 Approval of the Downtown Design Review Process to Implement the Downtown Zoning Ordinance.

Recommendation: Adoption of resolutions by the City Council and Redevelopment Agency Board approving the Enhanced Downtown Design Review process to review certain Downtown projects, establish thresholds for projects requiring enhanced design approval, utilize Redevelopment Agency funded contractual architectural services to implement the review process, and report to the City Council following one year of implementation of the program. CEQA: Resolution No. 65459. Council District 3. (City Manager's Office/Redevelopment Agency)

(Council referral 3/16/04 – Item 10.1 and Deferred from 6/1/04 – Item 10.1 et al., and 6/22/04 – Item 10.3)

Resolution No. 72254 adopted.

Redevelopment Agency Board Resolution No. 5539 adopted.

Staff was instructed to:

- (1) **Direct the formation of a Formal Design Panel of three to five architectural and design professionals who possess expertise in urban planning, redevelopment involving historic buildings, and/or high-rise development.**
- (2) **Provide an additional threshold of “non-conformance to historic design guidelines”.**

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

10.4 Approval of a contract related to the sports industry, theater entertainment facilities and the San José marketplace.

Recommendation: Adoption of a resolution by the City Council authorizing the City Manager to negotiate and execute a first amendment to the \$175,000 contract with Contract, Sports & Leisure International, to provide additional advisory services on issues related to the sports industry, theater entertainment facilities, and the San José marketplace, in an amount of \$15,000. (City Manager/Redevelopment Agency)
(Rules Committee referral 6/23/04)

Resolution No. 72255 adopted.

The Redevelopment Agency Board portion of the meeting was adjourned at 8:48 p.m.

● Closed Session Report

City Attorney Doyle disclosed the following Closed Session action(s) of June 29, 2004:

A. Authority to Initiate Litigation:

Authority to initiate litigation was given in one (1) matter. The name of the action and the defendants as well as the substance of the litigation shall be disclosed to any person upon inquiry once the action is formally commenced.

Council Vote: Ayes: Nora Campos, Cindy Chavez, Judy Chirco, David Cortese, Pat Dando, Terry Gregory, Ken Yeager; Ron Gonzales.

Noes: Chuck Reed, Forrest Williams.

Disqualified: None.

Absent: Linda LeZotte.

- **Notice of City Engineer's Pending Decision on Final Maps**
In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9554	West side of Bird Ave., 50 ft south of Virginia Street	6	Greg Blackwell Inc.	20 units	SFA	Approve
9540	n/s Las Plumas Ave., approximately 1500' easterly of North. King Road	3	Tran Huan & Ly Lieu	1 lot/7 units	Industrial Condo	Approve

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
9613	S/E corner of Jackson/Madden Avenues	5	Jackson Square LLC	3 lots (condo)	Multi-Family
9571	SW/C of Blossom Hill Road & Cahalan	10	MarRad Group Developers	5 units	Single Family
9492	SW/C of Lewis Road/East Mission St.	3	Roem Development	16 units	Single Family

- **Open Forum**
There were no speakers.

- **Adjournment**
The Council of the City of San José was adjourned in memory of Bill Arnopp, former Executive Director of Silicon Valley Habitat for Humanity, who passed away in Dublin, Ireland, and in memory of Anh Dam, wife of John Dam, Deputy Director in Employee Services.

The Council of the City of San José was adjourned at 8:49 p.m.

7 JOINT REDEVELOPMENT AGENCY/COUNCIL

The Council of the City of San José convened at 8:55 p.m. to hear Items 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, and 7.7 in a Joint Session with the Redevelopment Agency.

7.1 Approval of actions related to the acquisition of the Global Photon Property located at 466 Vendome Street to house the offices of the Friends of the Guadalupe River Park and Gardens, and staff offices for the Department of Parks, Recreation and Neighborhood Services.

Recommendation:

- (a) Approval of a Cooperation Agreement by the City Council and Agency Board that provides for the Agency's acquisition and the subsequent transfer of title from the Agency to the City of the Global Photon Property located at 466 Vendome Street, with acquisition costs not to exceed \$815,000 and renovation costs not to exceed \$100,000 with funding in the amount of \$500,000 from the City and \$415,000 from the Agency:
Approved.
- (b) Redevelopment Agency Board actions:
 - (1) Adoption of a resolution by Agency Board making certain findings required by Redevelopment Law related to the project primarily benefiting the Julian Stockton Redevelopment Area.
Redevelopment Agency Board Resolution No. 5530 adopted.
 - (2) Approval of a purchase agreement with Global West Network, Inc., in an amount not to exceed \$815,000, for the purchase of the property located at 466 Vendome Street.
Approved.
 - (3) Adoption of a resolution approving the addition of \$500,000 in revenue, funds transferred from the City to fund the acquisition of the Global Photon property for the Guadalupe River Park to the FY 2003 – 04 Adopted Budget, and approving the addition of funds in the amount of \$500,000 to the Adopted FY 2003 – 04 Capital Budget, Guadalupe River Park & Garden – Flood Control project line in the Merged Redevelopment Area, and amending the FY 2003 – 04 Agency appropriations resolution.
Redevelopment Agency Board Resolution No. 5531 adopted.
- (c) Adoption of a resolution by the City Council making certain determinations regarding the expenditure of Redevelopment Agency funds for the acquisition of property that will be publicly owned.
Resolution No. 72256 adopted.

7 JOINT REDEVELOPMENT AGENCY/COUNCIL

- 7.1** (d) Adoption by the City Council of the following Appropriation Ordinance amendments in the 2004-2005 Council District 3 Construction and Conveyance Tax Fund (Cont'd.)
- (1) Decrease the Global Photon Property Acquisition by \$100,000; and
 - (2) Establish a transfer to the Redevelopment Agency in the amount of \$100,000.
- Ordinance No. 27213 adopted.**
- (e) Adoption by the City Council of the following Appropriation Ordinance amendments in the 2004-2005 Council District 6 Construction and Conveyance Tax Fund:
- (1) Decrease the Global Photon Property Acquisition by \$100,000; and,
 - (2) Establish a transfer to the Redevelopment Agency in an amount of \$100,000.
- Ordinance No. 27214 adopted.**
- (f) Adoption by the City Council of the following Appropriation Ordinance amendments in the 2004-2005 City-wide Parks Construction and Conveyance Tax Fund:
- a. Decrease the Global Photon Property Acquisition by \$300,000; and,
 - b. Establish a transfer to the Redevelopment Agency in an amount of \$300,000.
- Ordinance No. 27215 adopted.**
- (g) Adoption of a resolution by the City Council authorizing the City Manager to execute an agreement with the Friends of the Guadalupe River Park and Gardens for the operation and maintenance of this property for a term not to exceed 20 years.
CEQA: Exempt, PP04-06-193 [CENTURY CENTER]
Resolution No. 72257 adopted.

7.2 Approval of an amendment to the DDA with North Keystone Limited, for development of residential units and acceptance of an Amended 33433 Summary Report and Re-Use Appraisal.

Recommendation:

- (a) Adoption of resolutions by the City Council and Agency Board accepting the Amended 33433 Summary Report and Re-Use Appraisal, and finding that the disposition of property for the planned 42-unit for-sale residential project assists in the elimination of blight, is consistent with the Project Area objectives, and that the consideration for the property is not less than the fair reuse value for the proposed use, with the covenants and conditions and development costs authorized by the Disposition and Development Agreement (DDA); and,
- Resolution No. 72258 adopted.**
Redevelopment Agency Board Resolution No. 5532 adopted.
Disqualified: Gonzales.

7 JOINT REDEVELOPMENT AGENCY/COUNCIL

- 7.2(b) Cont'd** Adoption of a resolution by the Agency Board approving the first amendment to the DDA, authorizing the Executive Director to execute ancillary documents as contemplated by the DDA, and to close escrow and to convey the Property subject to compliance with the terms of the DDA, and to negotiate and execute additional amendments to the DDA substantially in conformance with the intent of the DDA as reasonably necessary to conform to lender requirements.

CEQA: Resolution No. 68839, PP03-03-094, File No. PDC 02-077 [**JULIAN STOCKTON**]

**Redevelopment Agency Board Resolution No. 5532 adopted.
Disqualified: Gonzales.**

- 7.3 Approval of an amendment to the DDA with Regis Homes of Northern California, for the development of residential units at 320 North First Street and acceptance of the revised 33433 Summary Report and Re-Use Appraisal.**

Recommendation: Adoption of resolutions:

- (a) By the City Council and Agency Board accepting the summary of costs and findings of the enclosed Amended Summary 33433 Report, pursuant to the California Health and Safety Code Section 33433, for the planned 38 to 42 unit for-sale residential project, and that the consideration for the site is not less than the fair reuse value; and,
- (b) By the Agency Board approving the First Amendment to the Disposition and Development Agreement and authorizing the Executive Director to execute ancillary documents as contemplated by the First Amendment to the DDA, and to negotiate and execute additional amendments to this amended DDA substantially in conformance with the intent of the First Amendment to the DDA as reasonably necessary to comply with lender restrictions. (Cont'd.)

CEQA: Resolution No. 68839, PDC02-077 [**SNI: 13th Street**]

(Continued from 6/8/04, Item 7.2)

Item 7.3(a) (b) deferred to 8/10/04.

7 JOINT REDEVELOPMENT AGENCY/COUNCIL

7.4 City Council and Redevelopment Agency determinations and award of a contract to the low bidder for the McLaughlin Avenue Tree Planting Project.

Recommendations:

- (a) Adoption of a resolution by the City Council making certain determinations required by Redevelopment Law, Health and Safety Code Section 33445, for Redevelopment Agency funding of City-owned streetscape improvements in the Tully-Senter Strong Neighborhoods Initiative neighborhood.

Resolution No. 72259 adopted.

- (b) Adoption of a resolution by the Agency Board awarding a contract to West Coast Arborists, Inc., the low bidder, in the amount of \$115,100, and establishing a contingency in the amount of \$11,500, for the McLaughlin Avenue Tree Planting Project.

CEQA: Exempt, PP04-06-194 [SNI: TULLY-SENTER]

Redevelopment Agency Board Resolution No. 5533 adopted.

7.5 City Council and Redevelopment Agency actions related to funding of a grant agreement for the Mexican Heritage Gardens.

Recommendations:

- (a) Adoption of a resolution by the City Council making certain determinations required by Redevelopment Law regarding the expenditure of Redevelopment Agency funds on City-owned public improvements.

Resolution No. 72260 adopted.

- (b) Adoption of a resolution by the Redevelopment Agency Board approving the reallocation of \$50,000 from Alum Rock Youth Center to Mexican Heritage Corporation Grant new project line in the Neighborhood Investment Program Redevelopment Area to the Adopted FY 2003-2004 Capital Budget and amending the FY 2003-2004 Agency appropriations resolution. (Cont'd.)

CEQA: Resolution No. 64172 [ALUM ROCK]

Redevelopment Agency Board Resolution No. 5534 adopted.

7 JOINT REDEVELOPMENT AGENCY/COUNCIL

7.6 City Council and Redevelopment Agency actions related to traffic studies and environmental planning in the Rincon de Los Esteros Project Area of North San Jose.

Recommendations:

- (a) Adoption by the City Council of the following 2003-2004 Appropriation Ordinance amendments in the General Fund:
 - (1) Establish a Transfer to the Redevelopment Agency in the amount of \$80,000 for consultant services related to the Rincon de Los Esteros Redevelopment Plan; and,
 - (2) Decrease the Office of Economic Development Non-Personnel/ Equipment Budget 2004-2005 Appropriation by \$80,000.
- (b) Adoption of a resolution by the Redevelopment Agency Board approving the shift of \$200,000 from the FY 2004-05 Capital Budget to the FY 2003-04 Adopted Capital Budget in the Industrial Work Program – Implementation project line in the Rincon Redevelopment Area, and amending the FY 2003-04 Agency appropriations resolution.
- (c) Redevelopment Agency Board approval of the first amendment to the agreement with Hexagon Transportation Consultants, Inc., in the amount of \$200,000 for a total contract amount of \$400,000, to prepare the Traffic Study for the proposed North San Jose Area Development Policy; and,
- (d) Redevelopment Agency Board approval of an agreement with David J. Powers and Associates, in the amount of \$200,000, to prepare an Environmental Impact Report for the proposed North San Jose Area Development Policy.

[RINCON DE LOS ESTEROS]

Approved.

7 JOINT REDEVELOPMENT AGENCY/COUNCIL

7.7 City Council and Redevelopment Agency actions related to an Owner Participation Agreement with San Jose Unified School District for the installation of a security fence at Pioneer High School.

Recommendations:

- (a) Adoption of a resolution by the Redevelopment Agency Board authorizing the Executive Director to negotiate and execute an Owner Participation Agreement with the San Jose Unified School District for the installation of a security fence at Pioneer High School, in an amount not to exceed \$100,000.

Redevelopment Agency Board Resolution No. 5536 adopted.

- (b) Adoption of a resolution by the Redevelopment Agency Board approving the shift of \$100,000 from FY 2004-2005 to FY 2003-2004 in the Hoffman/Via Monte – Alley Design project line in the Strong Neighborhoods Initiative Redevelopment Area, adjusting the FY 2003-04 Capital Budget and amending the FY 2003-2004 Agency appropriations resolution.

Redevelopment Agency Board Resolution No. 5537 adopted.

- (c) Adoption of a resolution by the City Council making certain determinations regarding the expenditure of Redevelopment Agency funds for the improvement of property that is publicly owned.

CEQA: Exempt, PP04-06-207 [SNI: HOFFMAN/VIA MONTE]

Resolution No. 72261 adopted.

ADJOURNMENT

The Council of the City of San José, and Redevelopment Agency Board adjourned at 8:59 p.m.